STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:	OAH Case No. 2017-ABC-00238
J. HERBERT BRYAN SIGMON,	(formerly INS-16-0227)
Applicant.	FINAL ORDER TO CEASE AND DESIST, FINAL ORDER DENYING LICENSE APPLCIATON, AND FINAL ORDER ENTERED ON DEFAULT

HISTORY OF THE CASE

On July 13, 2016, the Director of the Department of Consumer and Business Services for the State of Oregon (Director), acting pursuant to his authority granted in Oregon Revised Statutes (ORS) 446.661 *et seq*. Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 ("Insurance Code") and specifically ORS 744.074, issued a Cease and Desist Order, Notice of Proposed License Denial, and Right to an Administrative Hearing. Included in the Proposed Order was a designation by the Director that the Division of Financial Regulation's file on this matter included all materials submitted by the party and was the record in this case. The Director further stated that pursuant OAR 137-003-0075(3), the record contained sufficient evidence of the existence of facts necessary to support a final order by default should the Director issue such an order.

On July 13, 2016, the Division of Financial Regulation (Division) received a request for hearing from J. Herbert Bryan Sigmon (Sigmon).

The Division referred the hearing request to the Office of Administrative Hearings on September 2, 2016. Alison G. Webster, Administrative Law Judge (ALJ) was assigned to the case. A prehearing teleconference was held on October 13, 2013. Respondent did not participate. ALJ Webster set a hearing date of March 7, and set a

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

schedule for the Motion for Summary Determination that the Division intended to file.

On January 20, 2017, Tyler Anderson, Assistant Attorney General, timely filed the Motion for Summary Determination for Division. Respondent did not file a Response. The matter transferred to ALJ Barber to rule on the Motion for Summary Determination.

On February 8, 2017, ALJ Barber denied the Division's motion. On February 9, 2017, Mr. Anderson filed an Expedited Ruling on Motion for Summary Determination which ALJ Barber considered to be a Motion for Reconsideration. On February 9, 2017, ALJ Barber issued an Amended Ruling on Motion for Summary Determination denying the Division's motion.

On March 3, 2017, the Division issued an Amended Notice Order and submitted the Amended Order with a letter to Sigmon at his last known email address and a certified copy to Sigmon's last known mailing address. The letter stated that Sigmon did not need to file another request for hearing as the Division would honor their first request for hearing.

A hearing was held on this matter on March 7, 2017, with ALJ Webster presiding. Respondent did not appear for the hearing and was found in default.

The Director makes the following Findings of Fact, Conclusions of Law, and Final Orders.

FINDINGS OF FACT

The Director FINDS that:

1. Applicant applied for a nonresident insurance producer license ("License") on April 25, 2016. Applicant's national producer number is 16835097.

2. As part of the application process, Applicant completed and submitted to the Division an application form indicating that he had never been subject to administrative action.

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3. During review of the application, the Division learned that Applicant was subject to an administrative action in Wisconsin on October 15, 2014, which resulted in Applicant's license being denied.

4. After the current application was filed with the Director, and the prior administrative action was discovered, Applicant admitted to being the subject of that action.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

5. Accurate information about an applicant's history of administrative action is material to the Director's decision whether to issue a license.

6. Applicant's representation in his application that he had not been subject to administrative action was incorrect, misleading, incomplete or materially untrue.

7. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, if an applicant provides incorrect, misleading, incomplete or materially untrue information in the license application.

8. Applicant's failure to provide accurate information in his application to the Director is sufficient grounds for denying his application for a non-resident insurance producer license.

FINAL ORDERS

Now therefore, the Director issues the following Final Orders:

9. As authorized by ORS 731.252(1), the Director ORDERS Applicant to CEASE AND DESIST from violating any provision of the Insurance Code or the administrative rules promulgated thereunder.

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10. The Director, pursuant to ORS 744.074(1)(a), hereby DENIES the Applicant's request for an Oregon Non-Resident Insurance Producer's License.

11. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 21st day of April, 2017.

PATRICK M. ALLEN, Director
Department of Consumer and Business Services

/S/ David Tatman
David C. Tatman, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL REVIEW

You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is in accordance with ORS 183.482(1) to the Oregon Court of Appeals.

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